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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Portugal

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1. The UPR Working Group reviewed the situation in Portugal in December 2009, at its 6th session. Portugal accepted 86 out of the 89 recommendations. Since then, Portugal has made a committed effort to thoroughly implement the recommendations that were accepted. A mid-term report on progress achieved was presented to the Human Rights Council (HRC) in February 2012.

2. The UPR mechanism has, in Portugal's experience, helped to better address challenges faced, discuss the best way forward and adopt the necessary initiatives.

I. Methodology and process followed in the preparation of report

3. This report was coordinated by the Portuguese National Human Rights Committee (PNHRC)[1] on the basis of contributions from its members, namely the departments responsible for Foreign Affairs; Defence; Internal Administration; Justice; Economy; Environment, Territorial Planning and Energy; Agriculture and Sea; Health; Education and Science; Solidarity, Employment and Social Security; Culture; Media; Immigration and Intercultural Dialogue; Citizenship and Gender Equality; Sports and Youth; Statistics, as well the Ombudsman and the Prosecutor General's Office.

4. Prior to the report's submission to the UN, a draft version was discussed with civil society representatives in a PNHRC meeting on 16th January 2014.

II. Main developments since the previous review

5. The establishment of the PNHRC in April 2010 is a milestone. The PNHRC has enhanced coordination and information sharing on Human Rights issues within the Portuguese Public Administration and has strengthened dialogue and consultations with civil society. The PNHRC has enabled the timely submission of national implementation reports to the UN Treaty Bodies. Portugal currently has no reports overdue.

6. Since 2009 Portugal ratified a significant number of human rights and humanitarian law treaties. Portugal is now party, without any reservations, to eight UN core human rights treaties and all their optional protocols, recognizing the full range of competences of the respective committees. Portugal is part of the Council of Europe (CoE) human rights system and is under the scrutiny of, *inter alia*, the European Court of Human Rights (ECHR) and European Committee of Social Rights. Portugal also has a standing invitation to all HRC special procedures.

7. A number of comprehensive hu man rights policy instruments have been approved: the 4th and 5th National Plans against Domestic/Gender-Based Violence (2011–2013 and 2014–2017); the 4th and 5th National Plans for Equality (2011–2013 and 2014–2017), the 2nd and 3rd National Plans against Trafficking in Human Beings (2011–2013 and 2014–2017), the 2nd and 3rd Programme of Action for the Elimination of Female Genital Mutilation (2011–2013 and 2014–2017); the 1st National Action Plan on the Implementation of Security Council Resolution 1325 (2009–2014); the 2nd Plan for Immigrant Integration (2010–2013); the National Strategy for the Integration of Roma[2] Communities (2013–2020); the National Strategy for Disability (2011–2013). Innovative projects have also been put in place to advance the rights of the elderly and persons with disabilities and to prevent domestic violence.

III. Promotion and protection of human rights on the ground and follow up to previous review

A. Ratification of international instruments (recommendations 101.1–4[3])

8. Portugal ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 28th January 2013, the Optional Protocol to the Convention against Torture (OPCAT) on 15th January 2013 and the International Convention for the Protection of All Persons from Enforced Disappearance on 28th January 2014.

9. The Ombudsman was appointed as National Preventive Mechanism (NPM) under OPCAT and immediately began its inspection work.

10. Portugal also became a Party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPCRC-communications), the Convention on the Reduction of Statelessness, the Convention relating to the Status of Stateless Persons, the Convention on Cluster Munitions.

11. Within the Council of Europe framework, Portugal ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Convention on Preventing and Combating Violence against Women and Domestic Violence and the European Convention on the Exercise of Children's Rights. Internal procedures are ongoing for the ratification of Protocols 12 and 15 to the European Convention on Human Rights and Additional Protocols to the Convention on Human Rights and Biomedicine concerning transplantation of organs and tissues of human origin, and biomedical research.

12. Portugal also ratified the ILO Conventions concerning the Protection of Workers' Claims (Employer's Insolvency), revision of the Maternity Protection, and Safety and Health in Agriculture.

B. Racism, racial discrimination, integration of migrants and marginalised groups

Human rights education and training and awareness-raising, with a view to combating racism and discrimination and promoting the integration of migrants and marginalised (recommendations 101.6–7, 102.10)

13. The High Commissioner for Immigration and Intercultural Dialogue (ACIDI) continued its efforts in this regard, notably within the 2nd Plan for Immigrant Integration. For instance, the initiative "Promotion of intercultural life at local level" was launched, comprising multiple activities in the areas of education, work, health, integration of migrants, participation in local life, awareness-raising and participated budget, implemented on the basis of public/private partnerships involving migrants and locals. TV and radio programmes, and two annual prizes for media works promoting human rights and tolerance, have been created. Seminars and other events were held, including cultural festivities and commemoration of international days. Several publications on migration and asylum-related issues were edited and distributed, including the Portuguese versions of IOM Glossary on Migration and the "Diversity toolkit for Factual programmes in public service television" of the European Union Agency for Fundamental Rights.

14. The Commission for Citizenship and Gender Equality (CIG) and ACIDI published two leaflets for immigrant communities. The first, "Say no to Domestic Violence" was published in Portuguese, Russian, Romanian, Chinese, English, Ukrainian, and French; the

second, on Citizens' Rights, Gender Equality and Parenthood, was published in Portuguese, Russian, Romanian, Chinese, English and French.

15. Portugal ranks first among participating countries in the EU's "Next Door Family" project, where local and migrant families visit each other, with the highest number of families involved. The Portuguese Institute for Sports and Youth is coordinating, in collaboration with ACIDI, CIG, the Directorate General for Education and several civil society organisations, the implementation of CoE's "No Hate Speech Movement" campaign. Several activities have been undertaken to stimulate integration through sports, namely the promotion of korfball (only team sport that requires gender balance), the signature of a protocol with the Professional Soccer Players' Union for the development of awareness-raising initiatives, the organisation of a flash mob with children from Programme *Escolhas*/Choices (see below) and the exhibition of posters in sports events.

16. Workshops and seminars for media professionals were held throughout the country, including on how to address migration issues, diversity, asylum/refugees, disability and violence. A list of migrants with prominent work has been prepared and disseminated among media professionals. In 2011, the Commission for Equality and Against Racial Discrimination- (CICDR) reiterated a recommendation that the media and law enforcement agencies refrain from revealing the nationality, ethnicity, religion or migrant status of persons in their communications.

17. There were also some noteworthy developments in the field of sexual orientation and gender identity. The 4th National Plan for Equality included a strategic area on sexual orientation and gender identity. In 2011, legislation was enacted to allow the recognition of gender identity without prior surgery and to accelerate procedures for name and gender change. In February 2013, gender identity was included in the legal definitions of the crime of discrimination and bias-motivated crimes (qualified homicide and qualified offense to physical integrity) under the Criminal Code (CC). In July 2013, the first-ever governmental campaign against homophobic and transphobic bullying was launched by CIG. The first Sector Plan on Gender Equality adopted by the Ministry of Internal Administration defines as one of its main focus raising the awareness of staff (including police officers) to gender and sexual orientation issues. A working group on violence and hate crimes against LGBT people was established by the security forces. The Student Status and School Ethics Act (SSSEA), approved in September 2012, also tackles discrimination and abuse based on sexual orientation or gender identity.

Combat acts of discrimination, racism and incitement to racial hatred; Punish perpetrators and closely monitor relevant movements and groups (recommendations, 101.8–9, 102.7, 102.9)

18. Racial, religious and sex discrimination constitute an autonomous crime, which covers organised propaganda activities inciting hatred and acts of violence, threats and defamation on the basis of racial, religious or sex discrimination, including sexual orientation and gender identity. Furthermore, such crimes, as well as any other crime with discriminatory or hatred motivation, are classified as crimes of priority prevention and investigation. Motivation on these grounds constitutes a general aggravating circumstance applicable to all crimes.

19. Police forces continue to collect and analyze information regularly (in particular by monitoring relevant Internet activity and engaging in surveillance activities) and participate in national and international cooperation efforts, including in liaison with investigation departments.

20. A special tool has been made available in the CICDR website to facilitate complaints and speed up action against any blog or site disseminating racism.

Combat racial profiling and discriminatory practices towards racial/ethnic minorities and immigrants (recommendation 101.10)

21. Police authorities refrain from revealing a subject's race or ethnicity in official communications and are bound by the prohibition of discrimination. This feature of police activity is included in general and specific training activities, seminars and conferences for law enforcement officials (including prospective peacekeepers), as part of their initial, ongoing and/or complimentary training.

22. The principles of equality and non-discrimination – and corresponding duties – are also expressly provided for, *inter alia*, in the codes of ethics for border control officers (approved in June 2013) and police staff, as well as in the Code for the Enforcement of Sentences and Deprivation of Liberty Measures (approved in October 2009) and in the General Regulations of Prison Facilities (adopted in April 2011) which guarantee for instance, the provision of special food in accordance with one's religion or belief.

Promote and protect the rights of persons belonging to minorities and counter the discrimination and social exclusion faced by Roma communities, namely in such areas as housing, education, employment and health care (recommendations 101.11–13, 36–39, 103.14–15, 103.16–17)

23. The National Strategy for the Integration of Roma Communities (2013–2020) was adopted following an intensely participated process with the involvement of all government departments, civil society organisations, academia, experts and representatives of Roma communities, all of which participate in a Consultative Council established in June 2013. The Strategy comprises 105 measures in the areas of education, health, housing, employment and a cross-cutting dimension covering discrimination, mediation, education for citizenship, social security, valuation of Roma history and culture, and gender equality.

24. A Pilot Project for Municipal Mediators was launched in October 2009 (and expanded in 2011) whereby mediators, preferably local residents of Roma origin, are trained and deployed to local services or facilities. Police officers are also being trained to act as mediators in Roma communities, and the police signed local security contracts with other actors to enhance community integration and security.

25. Roma communities benefit from many of the measures in place for the general population, including Social Insertion Income, housing programmes, social protection and access to the National Health Service (NHS). In some cases, Roma communities represent a significant percentage of beneficiaries of these measures (e.g. social housing). The police developed a Project on Investigation and Support to Specific Victims (IAVE) aimed at catering for the special needs of vulnerable victims, including ethnic minorities, women, children, the elderly and persons with disabilities. Partnerships have been established, including with central government agencies and NGOs. The Model on Community Policing covers issues such as intercultural dialogue, allowing for the development of activities particularly tailored to the needs of, *inter alia*, migrants and ethnic minorities, and a specific training module on Portuguese Roma has been created.

Prevent and punish discrimination against, facilitate assistance to, and promote the integration of immigrants, asylum-seekers and the Roma (recommendations 101.41–43, 102.11, 102.21)

26. Initiatives were adopted in 2010 and 2011 to raise awareness against discrimination, including a national photo and video contest, the display of banners in soccer stadiums, a symposium on immigration and intercultural dialogue and the publication by the Immigration Observatory of Study on racist speech in Portugal[4]. Training on combating

racial discrimination has been provided to entities such as NGOs, migrant associations, schools and universities.

27. ACIDI supports immigrants and victims of racial discrimination through, *inter alia*, 3 national and 87 local immigrant support centres across the country, as well as through an Immigrant Legal Support Office providing free-of-charge legal advice and mediation services in such areas as nationality, employment, social security, exercise of rights and access to justice. In May 2012, ACIDI and the Ombudsman signed a Protocol in order to improve assistance to migrants, comprising the dissemination of relevant information, support to prospective complainants (and, in a limited number of cases, action on their behalf), supply of documentation and referral to Legal Support Offices. ACIDI is also supporting a Victim Support Unit run by the NGO APAV[5], which provides free-of-charge legal and psychological assistance to immigrants and victims of racial discrimination (UAVIDRE). A Census Support Office opened in March 2013.

28. Immigration authorities run programmes to support, *inter alia*, sick persons, the elderly and children, including migrant children in irregular situations. Furthermore, Programme *Escolhas*/Choices, aimed at promoting the social integration of 6–24 year-olds from disadvantaged social backgrounds, many of which are of migrant or Roma descent, is now in its 5th edition (2013–2015), and 110 projects will be funded there under. The subject "Portuguese Non-Mother Tongue" was introduced as a new curricular area in basic and secondary education, and a large number of training activities have taken place in this context. In May 2012, a ministerial order was issued to clarify the right of access to NHS of migrants in an irregular situation staying in Portugal for over 90 days.

Closely monitor the situation relating to racial discrimination, including data collection, with view to evaluate the situation of different groups (recommendations 102.8, 103.4)

29. The crime of racial, religious and sexual discrimination is investigated *ex officio*. In addition to police and judicial authorities dealing with criminal cases, several other entities can examine complaints of racial discrimination, including the CICDR (administrative procedure, which may result in the imposition of a fine), the Ombudsman (mostly in cases committed by public entities) and the National Authority on Working Conditions.

30. Data is collected on crimes of racial, religious or sexual discrimination and on people convicted for murder and assault crimes with racist motivation. It is disaggregated by the offender's nationality and by type of crime, not by race or descent due to existing legal constraints. Portugal has requested an independent institution to conduct a comparative law study in order to determine how countries with similar law systems deal with such recommendations.

C. Gender equality and combating violence against women

Prevent, combat, prosecute and punish violence against women, including domestic violence, and to protect victims (recommendations 101.15–18, 102.12–14, 103.5–6)

31. Combating violence against women and domestic violence remains a priority for Portugal, as reflected, *inter alia*, in the 4th and 5th National Plans against Domestic/Gender-Based Violence that focus on information, protection, prevention, training and investigation.

32. Domestic violence, expressly provided for and punished under the CC, is prosecutable *ex officio* and constitutes a prevention and investigation priority crime. In February 2013, legal amendments were introduced in order to extend the concept of domestic violence to dating and other intimate relationships without cohabitation.

Concerning issues of "prosecution and punishment", we recall that Portugal has accepted recommendations 103.5 and 103.6 "on the understanding that they are to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of legislation and other administrative measures". Data on the relationship between defendant and victim in murder crimes are now collected, and efforts have been made to standardise reporting and data collection procedures (in courts, prosecution services and police stations) concerning victims of domestic violence, results of investigations and final court decisions, including the creation of a website and a database.

33. Special teams to investigate crimes of domestic violence, to undertake preventive action and to deal with victims in police stations have been established. Public prosecution is developing integrated responses to accelerate the investigation of crimes of domestic violence and adequately protect victims, including women, children and the elderly. Guidelines and technical assistance are being provided to help courts assess the risk of re-occurrence of domestic violence. Violence against elderly women has recently been an issue of particular focus, with the active participation of law enforcement agencies and public prosecutors in the EU Project "Mind the Gap" (comprising research, awareness-raising and training activities, and exchange of best practices).

34. Prevention efforts include measures to reduce social acceptance of domestic and gender-based violence, promote equality, eliminate gender stereotypes and empower women and girls, such as annual awareness-raising campaigns to inform women of their rights and promote their ability to report. Specific training sessions have been provided to, *inter alia*, social workers, public prosecutors, security forces, teachers and medical staff.

35. Measures have been adopted in the area of forensic medicine, such as training courses for medical experts dealing with domestic violence cases, scientific meetings, protocols to coordinate interventions in this area and the creation of a dedicated hospital unit, with specific rules of procedure, to help victims.

36. The protection of victims is also pursued through such means as: establishment of individual security plans in high-risk situations; enhanced coordination between civil and criminal courts in divorce, child custody cases or domestic violence cases; improvement of screening mechanisms, in particular for pregnant women; dissemination of pilot projects in the areas of mutual support groups and health (e.g. specialised multidisciplinary teams for adults and children in health units, and preparation of a best practice guide on violence throughout the life cycle); creation of a 24-hour transportation service for victims and their children; provision of shelter to victims within existing social responses; and facilitation of victims' access to housing (such cases are already considered a priority in some re-housing schemes, e.g. in Azores, and, in August 2012, a protocol was signed between the Government and the National Association of Portuguese Municipalities with a view to providing low-cost housing to victims of domestic violence upon leaving the shelter). A specific system to support victims' access to professional training and the labour market was set up, with the appointment of focal points in employment centres and measures to prioritise such cases and avoid exposure in employment centres, as well as to promote positive action towards women with low skills and in single-parent families (e.g. payment of 60% of their salary). Victims' children are given priority access to child support services and specific intervention strategies have been developed for particularly vulnerable victims such as elderly persons, migrants, persons with disabilities and LGBT persons.

37. A number of provisions have been introduced to regulate aspects covered by the Act on the prevention of domestic violence and on the protection of and assistance to its victims, adopted in September 2009. These include the recognition of the status of victim (to all alleged victims as soon as a domestic violence incident is reported); the urgent nature of domestic violence proceedings (a Constitutional Court decision of 2012 has underlined the urgent nature of these cases); the use of remote surveillance means to control

perpetrators (mandatory since February 2013); assist victims with free-of-charge and easy to use devices, in direct connection with the police 24-hours a day; possibility to arrest perpetrators even if not caught in the act; victim's right to redress; and the provision of legal, medical, social and labour support. Legal counselling to victims of domestic violence is provided by lawyers appointed by the Bar Association. The victim has the right to be informed of, *inter alia*, how to file a complaint, procedures to follow, available public and private support services and compensation options. In October 2010, the system to ensure advance compensation payment, by the State, to victims of violent crimes and domestic violence was improved through the reinforcement of the competences of the Commission for the Protection of Crime Victims.

38. Prevention of re-offending through work with perpetrators is an innovative area of intervention: a pilot project in this area has been extended in order to cover the entire Portuguese territory and programmes are ongoing, within and outside prisons, to rehabilitate and reintegrate such offenders, including through the implementation of individualised plans.

39. The 2nd Plan for Immigrant Integration seeks to protect, *inter alia*, victims of domestic violence, specifically through the provision of legal support and the possibility of granting autonomous residence permits to those who belong to reunified families (since August 2012, this can be done on the basis of accusation only).

40. The 2nd Programme of Action for the Elimination of Female Genital Mutilation (FGM) adopted in February 2011 promotes the involvement of new partners in the fight against this scourge. A number of activities were undertaken, including the wide dissemination of a poster and a leaflet for victims and relevant professionals, the organisation of training activities for relevant professional groups, the dissemination of information materials through the Internet and the holding of a high-level meeting with representatives of migrant associations. Screening of violence and abuse, including FGM, has been included as one of the assessment parameters of child health examinations, pursuant to the new National Health Programme for Children and Youth, which entered into force in June 2013. A study on the prevalence of FGM in Portugal will be carried out in 2014. CIG, the Ministry of Health and the National Commission for the Protection of Children and Youth at Risk signed a protocol which will enable the identification and registration of child protection interventions at national level. Throughout 2013, a post-graduation course on FGM for health workers working in risk areas was lectured and Guidelines on FGM for health professionals and a Procedural Guide for Criminal Police Staff were published.

Encourage reporting of marital violence, including educational measures from early childhood (recommendations 101.20–21)

41. A nationwide prevention and victim protection strategy was implemented in the last decade, in partnership with civil society. This strategy included annual information campaigns: in 2010, the focus was on encouraging reporting of domestic violence; in 2011 on marital homicides; and in 2012 on vicarious victimisation. Measures adopted by law enforcement agencies, namely within community policing strategies, include an increase in the number of agents in victim-support teams, the creation and improvement of dedicated facilities for victims in police stations, and activities undertaken within the "Safe School" programme. Initiatives specifically targeted at children and youngsters include the introduction in school curricula, from the earliest grades, of contents relating to gender equality, domestic and gender-based violence.

42. The number of domestic violence cases registered by police forces increased from 2008 to 2010 and has been decreasing since then (26678 cases in 2012). In 2009, support centres were created in order to provide legal aid and offer victims support and counselling.

The entry into force of OPCRC-communications can also make a positive contribution in this regard.

Ensure adequate funding and the creation of a monitoring mechanism in the area of domestic violence (recommendation 101.19)

43. A mechanism managed by CIG was put in place to provide technical and financial support to measures aimed at achieving gender equality, including NGO initiatives to prevent and combat gender-based violence, provide training to relevant groups and assist victims.

44. Since 2012, 3.75% of social games' revenue (e.g. lotteries) allocated to the Presidency of the Council of Ministers is used in the fight against domestic violence and promotion of gender equality. This improved funding of activities for transportation of victims, emergency accommodation and shelters, health, victim-support canters, use of electronic devices in surveillance and assistance activities, empowerment of victims, training, information and NGO support.

Extend policies and strategies on gender equality to all levels of public administration, including affirmative measures for women in all ministries (recommendation 103.3)

45. In 2011, all Ministries approved gender equality plans to integrate a gender perspective in their activities. In 2013, legislation was approved requiring local authorities to adopt municipal equality plans. By the end of that year, 49 such plans had been approved (including, for instance, the creation of shelters domestic violence victims), 112 Protocols had been signed with local authorities and 105 local equality advisors had been appointed. In 2012, the Council of Ministers decided that public companies should adopt, implement and evaluate equality plans. The Council of Ministers also recommended that private companies do likewise.

46. Within law enforcement authorities, awareness-raising and training activities on gender equality were undertaken. Facilities were improved, namely dormitories and WC. Bullet proof vests anatomically adapted to women were introduced in 2011. In schools, training sessions for teachers, textbook analysis and diffusion of online information were organised in order to disseminate the role of institutions in promoting gender equality and to implement educational curricula on "gender and citizenship" for pre-school and all cycles of basic education.

D. Children

Ensure the right of the child to non-discrimination, in particular for children and families living in poverty and belonging to minority groups, including the Roma (recommendation 101.14)

47. Projects are being implemented to provide alternative curricula, find new solutions for children of itinerant and migrant families, and enhance the benefits of intercultural living (e.g. through the organisation of holiday camps, project exchanges, parental training activities, school and family mediation and thematic meetings). Programme *Escolhas*/Choices plays an important role in this regard. A database was created to monitor the educational progress of children who attend multiple schools throughout the year. The Integrated Programme for Education and Training (PIEF), whose purpose is to promote social inclusion of children and youngsters by creating integrated responses to combat school dropout, must also be mentioned for its important achievements.

48. Access to education is guaranteed for all children, including migrant children in irregular situation. A special early childhood education programme has been created for 3

to 5 year-olds living in remote rural areas, whereby educators regularly visit these children and develop activities in accordance with the same curricular guidelines applicable to kindergartens. Holiday camps are organised across the country for children in socially disadvantaged situations.

49. Access to healthcare is also guaranteed for all children, including migrant children in irregular situation. Pregnant and puerperal women, children up to 12 years, persons with disabilities and persons in situation of proven economic failure, as well as dependents of their household, are exempt from paying NHS user fees.

Establish mechanisms to disseminate information about the consequences of violence against children (recommendation 101.24)

50. Measures in this regard include the publication of five on-line handbooks with specific guidelines for social welfare, education, health, police and media professionals dealing with child victims or at risk. A handbook for professionals dealing with domestic violence was published (a partnership between public services and NGOs) and online training courses on child abuse and neglect were launched. Since 2008, annual campaigns on the prevention of child abuse were put in place and was established a national project aimed at implementing local prevention plans with the involvement of public and private entities.

51. Several public bodies and NGOs develop activities to protect children from violence and prevent risk situations. An initiative aimed at promoting safe use of internet by the school community, in particular by pupils, has been launched, comprising training activities, a handbook and a website[6]. Magistrates have been receiving specific training on such areas as trafficking in persons, smuggling of migrants, cybercrime, parental responsibilities, family law and protection of children at risk, and protocols are being signed at the local level to enhance coordination between judicial, police, health and child protection authorities and improve the protection of children within the investigation of crimes of sexual abuse, domestic violence and ill treatment (e.g. by reducing the number of interviews of child victims, ensuring prompt medical examinations and avoiding repetition of exams). A Guide for Law Enforcement Officials on the approach to abuse and other dangerous situations was prepared. Police forces participate in awareness-raising activities in schools, as well as in social media, and support local child protection commissions.

52. The Ombudsman, which has a specific Department on Children, Elderly Persons and Persons with Disabilities, runs a toll-free telephone hotline to receive complaints from children who may be at risk, referring them to competent administrative or police authorities.

53. A number of measures were adopted in the health sector, including a revised National Health Programme for Children and Youth which prioritises the identification of, and support to, children at risk, with particular emphasis on child development, disturbed behaviour and abuse. A National Programme for the Prevention of Accidents 2010-2016 was also launched. Mental health has been in focus, with the publication of guidelines on its promotion during pregnancy and early childhood, and the creation of a Hospital Referral Network for Mental Health Care of Children and Adolescents.

54. Measures to combat trafficking in persons and protect victims place a particular emphasis on child victims. For instance, a chapter on children has been included in the annual statistical report of the Observatory on Trafficking in Human Beings (OTHB). The OTHB also organised a conference on beggary and other forms of exploitation associated with children, and undertook awareness-raising initiatives on trafficking in women and children and sexual exploitation, via the Internet, radio and TV. Portuguese authorities are

participating in the EU Catch & Sustain project, aimed at establishing a platform to prevent trafficking in children and to reintegrate victims.

Prevent and punish child prostitution, paedophilia and child pornography (recommendation 101.27)

55. Sex crimes against children have a specific criminal framework and are considered crimes of priority prevention and investigation. Statutes of limitation for these crimes do not apply until the victim turns 23 years old. Adequate premises for the examination of such victims are being created in police stations. Early-warning procedures have been put in place for disappearances of children under 14. Portuguese legislation has been amended to require the exhibition of one's criminal record by any person applying for a paid or unpaid job or activity involving regular contacts with children.

56. Sex crimes against children and the protection of victims are addressed, *inter alia*, in the initial and ongoing training of public prosecutors and police officials, for instance within sessions on family law and children. Police authorities play an important role in combating such crimes and protecting victims, especially as members of plenary local protection commissions. The Police is also engaged in awareness-raising and prevention activities at the local level and intervenes in emergency situations, in particular in the context of addiction, begging, procurement of prostitution, trafficking in human beings and risk behaviour.

57. In August 2012, Portugal ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Develop a comprehensive national strategy on the implementation of the CRC (recommendation 102.4)

58. The Initiative for Childhood and Adolescence 2009-2010 (INIA) was a national mechanism which covered the full range of children's rights in an integrated way, providing technical support with the participation of all concerned actors, including all ministries, key departments and organisations with competence on childhood and adolescence. INIA was developed during a challenging period of financial crisis.

59. Many of the measures and principles included in INIA are still priorities and reflected in the current policies/ public initiatives such as the Social Emergency Programme, with a set of measures to support children and families, and the creation of a very close partnership with social institutions which play a key role in times of crisis.

60. In May 2012, a working group on a Child Agenda was established, with the view to examine issues relating to the definition and promotion of the best interest of the child. Following their recommendations, two commissions were established in January 2014 to discuss revision of the child's protection system and the legal regime of adoption.

Study, prevent and eliminate the street children phenomenon, and to protect children, including from vulnerable populations, against child labour and other risks and to ensure their full enjoyment of all human rights (recommendation 102.5, 103.2, and 103.13)

61. A comprehensive policy to address the causes of street children was implemented, including by assisting families and addressing concerns related to adequate housing and access to education and healthcare. *Project Rua*, run in partnership with the NGO *Instituto de Apoio à Criança*,[7] seeks to reach, support and reintegrate children, their families and communities, with a particular focus on situations of drug abuse and child prostitution. Measures are also in place to address situations of missing children, especially since the establishment of the European hotline number for this purpose in 2008. The phenomenon of

street children has been gradually decreasing and is presently limited to a few cases, mainly in Lisbon, Porto and Setúbal.

62. Child labour has been in decline over the last decade, from 233 cases detected in 1999 (mostly in the building and retail sectors) to one in 2013. This evolution was possible due to the creation of specific Programmes over the last years, most recently the Integrated Programme for Education and Training (PIEF), with one of its top priorities being children at risk of child labour or children at risk of leaving school. Measures to support families, including the Social Insertion Income, as well as to diversify and adapt school curricula to the needs of different students (see above) are also relevant in this regard.

Protect the human rights of detainees' children (recommendation 102.19)

63. Efforts are underway to provide juvenile detention centres with adequate conditions for young pregnant women and those who give birth while in detention, including the elaboration of a procedural guide for centres with female residential units. Pregnant prisoners can give birth in health units outside Prison Establishments. Children can now stay with their parents until they turn 5 years old (previously, the rule was 3 years old) and staying with the father is now possible provided that the Prison Establishment meets the necessary requirements.

E. Trafficking in persons

Eliminate trafficking in persons, prosecute traffickers and provide appropriate assistance to victims (recommendation 101.25–26, 102.15–17, 103.7)

64. The 2nd National Action Plan against Trafficking in Human Beings (2011 - 2013) contributed to the consolidation of the public policies in this field. Among the measures implemented, the increase in training activities for different actors (such as labour inspectors, law enforcement, prosecutors/judges and civil society) should be highlighted.

65. The 3rd National Plan (2014–2017) is currently being implemented. It includes 53 measures under five strategic areas: preventing, raising awareness, information and investigation; education, training; protection, intervention and empowerment; criminal investigation; cooperation.

66. Training activities on trafficking in persons, smuggling of migrants and assistance to victims are held regularly, including as part of the initial and ongoing training of judges, prosecutors, police, immigration officers, labour inspectors, staff of migrant support centres and social workers. National and international experts (from IOM, ILO and Portuguese trainers qualified by UNODC/Vienna) often participate in such activities. At international level, the OTHB organised, in 2012, a training week for criminal justice practitioners from the Community of Portuguese-Speaking Countries on trafficking-related matters, a seminar on illegal migration and trafficking and a conference on domestic servitude and forced begging.

67. A number of educational tools in Portuguese on trafficking-related matters are available, including the Portuguese version of UNODC project Anti-Human Trafficking Manual for Criminal Justice Practitioners, a handbook for magistrates, OSCE Mission to Serbia/Astra Anti-Trafficking Manual for Journalists and the documentary film "Affected for Life". Information materials in different languages were published, including in the context of UNODC's "Blue Heart Campaign against Human Trafficking", launched in April 2012 (which also comprised TV and radio spots, and outdoors) as well as on such specific issues as the ILO Domestic Workers Convention and forced begging. An itinerant exhibition on trafficking in persons was on display in several schools and town halls in

2012, and specific awareness-raising projects have been undertaken for potential victims of forced labour in high risk sectors.

68. In October of 2013, a national campaign on human trafficking was launched, highlighting sexual and labour exploitation as well as begging. A documentary on trafficking in human beings was broadcast nationwide on public television in December 2013.

69. Legislative amendments have been introduced on the concept of trafficking in persons for the purpose of begging, slavery and the exploitation of other criminal activities, in addition to activities for sexual and labour exploitation and removal of organs, which were already covered. It is expressly stated that the victim's consent is irrelevant in trafficking cases and some new heavier penalties were included. Furthermore, the use of seized and confiscated instrumentalities and proceeds of crime can now be channelled to victim support programmes. Legislation was also adapted to promote more efficient investigation tools. The right of all trafficking victims to legal aid was recognised in 2012, with the elimination of the previously applicable reciprocity requirement.

70. Measures are being implemented to facilitate the identification of and assistance to victims of trafficking. A few examples are: the distribution of a "Victim-Detection Card" to help law enforcement officers, labour inspectors and NGOs; the development of standardised forms that must be used in suspected cases of trafficking; the mandatory reporting of suspected cases to a multidisciplinary team or focal point, including through the SOS Immigrant support hotline; the creation of a platform with information on national victim support structures; the improvement of the national monitoring system, by means of collecting data in a manner that enables tracking alleged trafficking cases throughout the entire legal and judicial process. The OTHB is also coordinating the European Project "Towards a Pan-European Monitoring System on Trafficking in Human Beings".

71. In 2013, the Network to Support and Protect Victims of Trafficking was implemented through protocols between public departments and NGOs on research, victim assistance or criminal investigation. This improves the quality and coordination of intervention in trafficking cases, as well as data collection, including for investigation purposes. A new shelter for male victims was created in 2013. The Portuguese government currently funds about 20 NGO projects in the area of trafficking in persons.

F. Persons with disabilities

Improve the situation of persons with disabilities and ensure equal enjoyment of their human rights (recommendation 101.5/102.1)

72. The National Strategy for Disability (2011–2013) was approved in December 2010, based upon the UN Convention on the Rights of Persons with Disabilities (CPD) and its second phase (2014–2020) is now in preparation. A set of measures, targets and indicators have been established in 5 areas: multiple discrimination; justice and exercise of rights; autonomy and quality of life; accessibility and universal design; modernisation of administrative and information systems.

73. In October 2010, a project was launched to create an independent mechanism to oversee the implementation of CPD in Portugal. Research is being undertaken and handbooks published, on such areas as women with disabilities, deinstitutionalisation of children with disabilities, accessible tourism, availability of information on disability from public bodies and implementation of the International Classification of Functioning, Disability and Health (ICF) in health and social security inquiries. Persons with over 60% incapacity are exempted from the payment of fees within NHS.

Improve access to education of children with disabilities (recommendation 101.35)

74. The National Strategy for Disability includes measures in this regard, by promoting the inclusion of children with disabilities in the regular education system, ensuring the training of specialised staff and disseminating good practices. In cases of children with developmental disorders aged 0-6, a specific system is in place providing the early intervention of health, social security and education authorities - the early intervention national system.

75. The inclusion of children with disabilities in public schooling has been promoted through as the following measures: funding of resource centres for information technologies, specialised support units, devices and relevant action plans; adaptation and distribution of books in accessible formats; deployment of therapists, interpreters, trainers, orientation and mobility experts, and pre-school educators to reference schools and early intervention teams; organisation of training and capacity-building activities in such areas as Braille language, orientation and mobility, early childhood intervention, information and communication technologies in special education and Portuguese as a secondary language in the education of deaf students; and publication of a specific guide for school principals.

G. Police violence and law enforcement

Improve the situation in prisons, ensure that law enforcement officials do not use excessive force or mistreat inmates, provide human rights training to prison staff and effectively investigate and prosecute all cases of alleged violence against prisoners (recommendation 101.28, 102.20, 103.9–10)

76. The Code for the Enforcement of Sentences and Deprivation of Liberty Measures and the General Regulation on Prison Facilities, adopted in April 2010 and April 2011, reinforce protection mechanisms for persons deprived of liberty, mainly by clearly indicating security measures admitted in prison facilities, subjecting further administrative decisions to judicial review and reinforcing the right of appeal, including upon denial of parole. Special safeguards apply to prisoners in particularly vulnerable situations. The use of electric weapons and devices to solve disciplinary problems in prisons was prohibited, and the use of any such devices must be fully registered. The Regulation on the Use of Coercive Means in Prison Facilities (RUFPF) was also revised, expressly providing for the principles of necessity, adequacy and prohibition of excess. Prisons are inspected by competent audit and inspection departments within the Ministry of Justice, often coordinated by Public Prosecutors, and any suspicion of excessive use of force or ill-treatment is investigated. The Criminal Police (PJ) has a disciplinary and inspection unit specifically trained on problems related to the fight against serious and highly organised crime and its detention facilities were inspected in November 2010. The Ombudsman undertook a general inspection of all prisons in February-March 2013 and is carrying out inspection visits to places of detention under the purview of different police forces (3 such places were inspected in 2012). Furthermore, representatives of sovereign bodies and of international organisations dealing with the rights of inmates can have access to prison facilities. Prisoners have the right to communicate freely with all such national and international control and inspection entities, as well as with diplomatic and consular entities and the Portuguese Bar Association, is recognised.

77. Concerning the prosecution of offences, Portugal accepted recommendation 103.9 "on the understanding that it is to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of appropriate legislation and other administrative measures."

78. Human rights considerations have been in focus in the initial and in-service training of prison guards, including with the participation of NGO. Portugal is engaged in a project to develop an e-learning tool for these professionals in Iberian and Latin American countries.

Prevention of ill-treatment or excessive use of force by law enforcement officials and prompt, thorough and impartial investigations into all such allegations (recommendation 101.30–32, 103.15)

79. Police stations are inspected by the competent oversight authorities/, which also receive complaints of illegal practices allegedly committed by police officials. Portugal continues to believe that these bodies perform their duties with the necessary degree of independence.

80. In Portugal, the awareness of facts that may constitute a crime, namely torture, always gives rise to a criminal investigation, conducted or supervised by the Public Prosecution. Furthermore, criminal enquiries where there has been investigation of facts related to the behaviour of police forces must be notified to the General Inspectorate of Internal Administration (IGAI) by public prosecutors, and facts related to prison establishments must be notified to the General Inspectorate for Justice Services and Audit and Inspection Services of the Directorate General for Prisons, for the launching of the relevant disciplinary proceedings. Likewise, whenever there is sufficient evidence, in disciplinary proceedings, of the perpetration of a crime, the Public Prosecution must be duly informed by the relevant internal inspection services.

81. Therefore, there is multilayered system of checks and balances: the control by law enforcement agencies themselves (Public Security Police, National Republican Guard, Immigration and Border Services, Criminal Investigation Police, Directorate General for Prisons), the control by General Inspectorates (General Inspectorate for Internal Administration, General Inspectorate for Justice Services), normally headed by members either of the Judiciary or the Public Prosecution and finally, at the top, the control by judicial authorities (Public Prosecution and Judiciary) or the Ombudsman.

Provision of better healthcare in prisons (recommendation 101.33)

82. The CESMDL guarantees medical assistance and the provision of medicines to all inmates, in similar conditions to any other citizen (inmates remain NHS users). Each prison unit must elaborate a plan on health promotion and prevention of disease, and all inmates must be subject to comprehensive clinical evaluation within 72 hours after admission. All prisons have primary healthcare services with general practice doctors and nurses. Access to experts in various medical areas is guaranteed, either within the prison unit or in external public or private health facilities. Inmate victims of abuse or suffering from chronic diseases are entitled to specific care. Medicines are distributed free-of-charge.

83. Also important in this regard are ongoing reforms in the mental healthcare system and recently adopted national plans on the rehabilitation of juvenile and other offenders, as well as the adoption and monitoring of a National Plan on Suicide Prevention.

Guarantee of a clear definition in the law on internal security of appropriate and proportionate use of force by law enforcement officials in line with international standards (recommendation 102.18)

84. The Portuguese Constitution, CESMDL, RUFPF, *inter alia*, clearly state that the principles of legality, necessity and proportionality must be respected in the execution of any policing measure, including those involving the use of force.

Reduce the duration of preventive detention and to limit its use in conformity with the principle of presumption of innocence (recommendation 103.11)

85. In the Portuguese criminal procedural law, pre-trial detention and house arrest can only be applied under exceptional circumstances. In addition to a general requisite regarding the insufficiency of other, less serious, coercive measures, pre-trial detention may only be ordered in specific cases, including, *inter alia*, when there is a strong suspicion of intentional perpetration of a crime punishable with a an imprisonment penalty of more than 5 years or a violent crime.

86. According to the Criminal Procedure Code, the maximum delays of preventive detention are as follows: during the investigation phase – 4 months, if there was no formal accusation in that delay; 8 months if an instruction phase was open without a final decision; one year and 2 months without a conviction in the first instance; one year and 6 months in the case where the conviction is pending *res judicata*).

87. These maximum delays may still be extended in cases of terrorism, violent or highly organised crime, crimes punishable with more than 8 years of imprisonment and crimes mentioned in article 215/2 CPC.

88. In cases where the conviction of the first instance court was confirmed at the higher court, post-trial preventive imprisonment delays are further extended up to half of the concrete penalty determined.

89. Pre-trial detainees are always set free immediately after the expiry of the time limits applicable in the different phases mentioned above.

90. Portugal has expanded the use of house arrest monitored by electronic surveillance devices, pursuant to legislation approved in September 2010, within the implementation of pre and post-trial measures. A plan to promote the use of such methods has been developed, providing for awareness-raising and training of relevant actors. Recently adopted national plans on the rehabilitation of offenders also play a role in this regard.

H. Human rights education, information and training

Provide human rights training to relevant professional groups (recommendation 101.22–23, 101.29, 101.32, 101.40 and 101.47)

91. Training on gender mainstreaming has been provided to senior public officials and legislators working in ministerial cabinets, and a Protocol thereon was signed in 2009 with the institute responsible for training civil servants. Human rights issues are covered in the initial and ongoing training of, *inter alia*, judges and public prosecutors, diplomats, police and border officers, prison staff and social workers.

92. Training activities include the creation of a training team on intercultural issues to support awareness-raising activities in schools; the establishment of a 30-person training team which delivers short-term training in schools, NGO, hospitals and courts with a view to promoting tolerance and the integration of migrants, based on an innovative capacity-building strategy; the development of awareness-raising activities by the police under community policing programmes (e.g. on intercultural dialogue, citizenship, gender equality and crime prevention), including by enhancing the use of social media; the granting of awards to schools with good intercultural practices; curricular reforms in science and humanities courses to cover such topics as citizenship, health and sexuality; adoption of specific strategies on intercultural issues for, *inter alia*, high level public officers and educators; and creation of a post-graduation course for local staff working with migrants.

93. Furthermore, specific training on domestic and/or gender-based violence is provided to magistrates, law enforcement officials, education and health professionals, social workers, local authorities' staff, mediators and journalists. The training of magistrates and law enforcement officers covers such issues as victim protection and assistance, remote surveillance, risk assessment, violent crimes, sex crimes and hate crimes against LGBT people. Training activities have been organised for media professionals and journalism students on the role of media in reporting domestic violence (in particular spousal homicide), rights of the child and elimination of stereotypes in information and advertising. In 2012, specific training was provided to migrant support staff on "gender equality, gender-based violence and multiculturalism".

94. Magistrates have also received specific training on child protection, combating cybercrime, family law, international protection of foreigners and the jurisprudence of ECHR and UN Human Rights Committee. Relevant information has been made available through the Internet and in the internal network for public prosecutors. In 2011, training was provided to social security workers on, *inter alia*, the rights of persons with disabilities and social services intervention in criminal proceedings. Staff of registry and notary departments has received training on service provision to persons with disabilities. In 2012, the Prosecutor General's Office published two human rights books: a handbook for Portuguese-speaking justice professionals, diplomats, law and international relations students, and a book with selected jurisprudence of ECHR.

95. In schools, human rights education is part of Education for Citizenship, that is crosscutting to all subject areas at all school levels (from kindergarten to secondary school) through a cross-curricular approach. On the same year, a book was published on the fundamental rights enshrined in the Portuguese Constitution.

Share at the international level experience and initiatives on human rights education (recommendation 101.44, 101.46)

96. Many public departments, including the Ministry of Education[8], ACIDI[9], CIG[10] and the PNHRC[11], run websites with a wealth of information related to their areas of work, including Portuguese initiatives and interventions in human rights *fora*. In December 2011, a new platform in Portuguese was launched on the Prosecutor General's website[12] with information on, *inter alia*, all existing universal and regional human rights protection systems, reports presented by Portugal to human rights bodies and concluding observations thereon, and other information and education materials. The Media Office is also using social media to disseminate information and participates in a working group on "Media Literacy" which includes the promotion of human rights in education through a critical reading of the media, having organised two national congresses thereon in 2011 and 2013, as well as annual thematic initiatives in schools, universities, associations and media corporations.

97. The National Migrant Support Centre (CNAI) in Lisbon, integrated in ACIDI, which incorporates several migrant support services and institutions, has earned best practice awards[13] and was visited by several foreign high level officials. In October 2012, Portugal hosted a best practice exchange seminar on gender training in education, at the European level.

I. The right to education and other economic, social and cultural rights

98. The Portuguese Government is strongly committed to ensuring that all children who live in the Portuguese territory enjoy the right to quality education. Several measures are in place to promote inclusive education, equality of opportunities and social integration of

children and youth from fragile socio-economic backgrounds, in particular descendants of immigrants and the Roma communities.

99. Initiatives are being put in place to improve elderly women's access to education and vocational and education training in order to address the low literacy levels among women of this age group. A prize for "Women Creators of Culture" was awarded in April 2013.

100. The full realisation of all human rights – civil, cultural, economic, political and social – is a long-standing commitment of the Portuguese State, and the right to education constitutes a national priority. The PNHRC developed a set of indicators to assess the implementation of this human right at the domestic level, which were concluded and published in 2013.

Reduce school desertion rates (recommendation 101.34)

101. In Portugal, measures were taken to reduce early school leaving rates, in view of the national target set in this regard of 10% by 2020. Measures adopted to reach this target include Programme PIEC and Programme PIEF (see above), specifically aimed at reducing school drop-out. Other initiatives with the goal to improve basic skills and ensure completion of 12-year schooling were implemented.

102. Also important in the area of education is the implementation of projects on priority intervention in the field of education (Programme TEIP), improvement of school performance ("More Success at School"), promotion of appropriate training opportunities aimed at students who show repeated school failure or dropout risk (Alternative Curriculum Pathways - PCA), and definition of learning outcomes and alternative curricula, namely with increased focus on vocational training. Re-organisation of the school network, closer collaboration of education authorities with child protection commissions, and the enactment of SSSEA also play a role in this regard.

Promote human rights at the international level, particularly in the field of economic, social and cultural rights (ESCR), and continue to integrate human rights education and training in these efforts (recommendation 101.45 and 101.48)

103. Portugal's priority in multilateral human rights *fora* is to promote and protect the universality, indivisibility, interrelatedness and interdependence of all human rights. Portugal annually presents two resolutions in the HRC, one on ESCR and another on the right to education. Every other year Portugal, together with Senegal and Moldova, tables a resolution on Programmes and Policies involving Youth in United Nations General Assembly (UNGA) and in the Commission on Social Development. Portugal traditionally co-sponsors most ESCR-related resolutions at UNGA and HRC and intends to maintain this high level of commitment in international *fora*. Portugal also systematically calls on other States to sign and ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, including in the framework of the UPR.

104. Portugal is committed to achieving the 2015 targets set by the UNESCO initiative "Education for All" and has placed education as a major focus of its development aid strategy, engaging in teacher training, curricula and education policy development and cooperation with universities. Training programmes organised for these countries' judiciary, police forces and prison guards have a strong human rights perspective, and Portuguese universities have been supporting local legislative processes, hence contributing to building modern juridical systems that comply with international human rights standards.

105. As a member of the UN Security Council (January 2011–December 2012) Portugal also strived to guarantee that the right to education is duly considered, even in emergency situations. Portugal cosponsored Security Council Resolution 1998/2011, which condemns

attacks against schools. Portugal also supported the adoption of the UN Declaration on Human Rights Education and Training.

Take additional measures in the areas of housing, employment, education and access to social services, particularly to benefit the Roma (recommendation 103.12)

106. A number of programmes are in place to ensure access to adequate housing. These include building rehabilitation and revitalisation of degraded areas and are promoted. These measures are jointly implemented by central, regional and local authorities and aim to counter discrimination and promote the inclusion of such vulnerable groups as the homeless, persons with disabilities, immigrants and members of ethnic minorities, including the Roma.

107. A strategy has been implemented in recent years to reduce inequalities in education and training and promote educational achievement. In addition to measures indicated above, others have been adopted to guarantee the universalisation of educational provision to children aged 5, as well as to certify skills obtained outside the school system, equip schools with new technologies, promote reading (by implementing a national plan in this regard and developing a school libraries network), evaluate teachers and enhance the role and autonomy of regional and local authorities, and of education institutions. Furthermore, initiatives were taken to reform education for students with special needs and promote the professional training of persons with disabilities (including by recognizing their skills and testing appropriate teaching methods).

108. The recently approved National Strategy for the Integration of Roma Communities (see above), will certainly play an important role in promoting equality in the enjoyment of ESCR by the Roma (see above).

J. Human rights machinery

Establish an effective and inclusive process to follow up on the recommendations of the Working Group, with the involvement of civil society, and strengthened cooperation with human rights mechanisms (recommendation 101.49–50, 102.6)

109. The PNHRC[14] was established in April 2010 following a commitment expressed by Portugal during its first UPR, in December 2009. The PNHRC is responsible for intergovernmental coordination with the aim of promoting an integrated approach to human rights policies. Its goal is to facilitate discussion, coordination and information-sharing on human rights issues, *inter alia* developments in the international agenda, position of Portugal in international *fora*, elaboration of national reports, implementation of recommendations and execution of annual action plans.

110. The PNHRC is chaired by the Ministry for Foreign Affairs and includes the representatives of all departments involved in the preparation of the present report (see above). Both the Ombudsman and the Prosecutor General's Office have a standing invitation to attend all PNHRC meetings and to participate in its work.

111. The PNHRC is currently developing further national human rights indicators, as recommended by OHCHR, having already finished the work on the indicator on the right to education and on the right to liberty and security of person.

112. The PNHRC meets on a regular basis with civil society representatives.

Establish a National Human Rights Institution in conformity with the Paris Principles (recommendation 102.3)

113. The Ombudsman is a National Human Rights Institution, with A-status accreditation since 1999, constitutionally and legally mandated to defend and promote citizens' rights and freedoms. It works primarily by investigating cases, upon complaints or on its own initiative, and may carry out inspection visits, without notice, and issue recommendations to administrative or legislative bodies as may be necessary to remedy any illegal or unfair practices. The Ombudsman may also request Constitutional Court reviews. Public entities have a duty to cooperate with the Ombudsman. The Ombudsman's action has led to the introduction of important measures concerning bereavement benefits, family and parental leave allowances, and unemployment benefits.

114. The Ombudsman also provides information and advice, namely through toll-free hotlines for children, elderly persons and persons with disabilities. Specifically mandated to promote human rights education, it organises and participates in seminars and conferences, undertakes awareness-raising activities in schools (a protocol to this effect was signed in May 2011), publishes studies and reports, and distributes information materials. Efforts are made to promote the establishment of Ombudsmen or other national human rights institutions in Portuguese-speaking countries, if applicable (see also above).

K. Other measures

Ensured the full implementation of all rights enshrined in the Constitution and in the existing legislation (recommendation 102.2)

115. Portugal has disseminated best practices within public administration. A number of initiatives aimed at facilitating access to public administration and other services were taken. These measures included rules on priority reception, installation of civil registry desks at National Immigrant Support Centres, simplification of registration procedures (by using online tools), concentrating services and creating a support hotline. Special attention was given to the special needs of persons with disabilities and migrants.

116. Portugal participated in a UNECE/WHO pilot project on the realisation of the human right to water and sanitation. Urban planning and regeneration instruments in place also seek to promote social cohesion and equal opportunities, and to improve the quality of life of the population.

117. In 2012, police authorities established a project to advance the rights of the elderly, by identifying, locating and liaising with those at risk, referring them to competent support institutions, as appropriate, and proposing partnerships to improve assistance.

118. Health authorities have taken steps to ensure the right of patients to be accompanied by a person of their choice, including during transportation in emergency situations. An innovative emergency screening system in 4 languages was put in place in order to improve responsiveness in emergency situations. The realisation of the right to adequate food has also been in focus, with the adoption of programmes promoting healthy eating, reinforcing food supply in schools and combating obesity – a book entitled "Smart Food – Eat better, save more" was published, winning the 2013 Nutrition Awards.

119. Portugal has actively promoted equal access to, and enjoyment of, cultural goods and services, namely by: supporting the arts and investing in cultural infrastructures also outside the main urban centres; holding or supporting free cultural events directed for children, *Roma* communities and persons with disabilities; developing instruments to facilitate access to cultural heritage; removing physical barriers for audiences and artists. At

local level, a Pass was created for free admission of unemployed persons to national monuments.

IV. Main challenges and constraints

120. In April 2011, the Portuguese Government requested financial assistance from the International Monetary Fund, the European Commission and the European Central Bank and subsequently an Economic and Financial Adjustment Programme (EFAP) was put in place, which drastically curtailed public spending. The austerity measures adopted in the framework of the EFAP have a strong impact in the lives of most of the people living in Portugal. Throughout the crisis, the Portuguese Government has remained deeply committed to implementing its human rights obligations and minimizing the impact of the crisis, particularly on the most vulnerable persons. A Social Emergency Plan was launched in October 2011, with an emphasis on families, children, the elderly and persons with disabilities.

V. Looking ahead

121. Portugal is committed to fully fulfilling its national obligations in the field of human rights and to further improving its national mechanisms to monitor progress in this field. It also commits to maintain its timely reporting and cooperation with all human rights mechanisms, including the UPR. Improving the participation of civil society organisations in this process will remain a key priority.

122. At the international level, Portugal will continue to promote a strong, independent and effective multilateral Human Rights system that can impartially monitor the implementation by all States of their Human Rights obligations. Upholding the universality, indivisibility, inalienability and interdependence of all human rights is Portugal's main objective. Portugal will also continue to sponsor resolutions in the field of economic, social and cultural rights, the right to education and youth.

123. It was in this spirit that Portugal presented its candidacy for the Human Rights Council for the term January 2015-December 2017. Portugal has been a staunch supporter of the Council from the outset, but has yet to be a member. If elected, Portugal pledges to work closely with all States and other key stakeholders in order to foster dialogue, build bridges and achieve consensus, without abandoning fundamental values and principles.

Notes

[1] See p.19.

[2] "Roma" is the generic term used internationally since the first World Romani Congress in London in 1971. The term "Roma" used in the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travelers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies". While the Portuguese Roma Communities recognise the negative connotation that the term "Ciganos" is often associated with, these Communities prefer this expression as they feel it best represents their values and customs.

[3] A/HRC/13/10

[4] *Discursos do Racismo em Portugal: Essencialismo e inferiorização nas trocas coloquiais sobre categorias minoritárias* (http://www.oi.acidi.gov.pt/docs/Estudos_OI/Estudo44_WEBfin.pdf).

[5] APAV – Portuguese Association for Victim Protection.

[6] http://www.seguranet.pt/blog/

[7] Institute for Child Support.
[8] http://www.dge.mec.pt/educacaocidadania/
[9] www.acidi.gov.pt
[10] www.cig.gov.pt
[11] http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos.aspx
[12] www.gddc.pt
[13] ACIDI won the European Public Sector Award in 2011 for best practice in the theme "Opening Up the Public Sector through Collaborative Governance".
[14] http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos.aspx